



THE CITY OF NEW YORK  
**LAW DEPARTMENT**  
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November 27, 2018

**BY ECF**

Honorable Robert M. Levy  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

Re: *Cirilo Alcantara v. Danielle Donaghue, et al.*, 15-CV-5584 (ENV) (RML)

Your Honor:

I am the attorney representing defendants Donaghue and DiGangi in the above-referenced matter. I am writing in advance of the December 6, 2018 telephone conference, to object to plaintiff's interrogatories and ask the court to strike them as untimely and otherwise as improperly addressed to a non-party. At the last conference, plaintiff was ordered to serve interrogatories, the only remaining discovery, by October 12, 2018. However, plaintiff did not serve them until November 5, 2018. Further, the late-served interrogatories are addressed to a non-party, John Weiburg.

Lastly, plaintiff is currently incarcerated at Clinton Correctional Facility in Dannemora, New York. Thus, I respectfully request that the Court endorse the enclosed Order directing Clinton Correctional Facility to produce plaintiff for the telephonic conference scheduled for December 6, 2018 at 1:00 PM. Once endorsed, the undersigned will forward the Order to Clinton Correctional Facility.

Respectfully submitted,



Nicholas Manningham

Encl.

cc: Cirilo Alcantara (BY MAIL)  
13-A-2352  
Clinton Correctional Facility  
P.O. Box 2001  
Dannemora, NY 12929